

AHPWA24AUSA

REMARKS/ARGUMENTS

After entry of this paper, claims 1-43 are pending. Claim 15 is amended to correct a typographical error. Claims 24-43 are withdrawn, without prejudice, as being drawn to non-elected subject matter. Applicants reserve the right to prosecute the invention of these claims in a divisional application filed during the pendency of the present application.

Restriction Requirement

The Examiner restricted the claims into four (4) groups.

The Examiner asserted that searching for all of the inventors in the pending claims would impose an undue burden and therefore required election of the claims of one (1) of groups I-IV.

As noted above, Applicants elected the claims of Group I, i.e., claims 1-23 drawn to a method of inducing contraception employing the compounds of Formula (I) and a selective estrogen receptor modulators (SERM)..

Applicants reserve the right to prosecute the invention of Groups I-IV, i.e., claims 24-43, in a divisional application.

Species Election Requirement

The Examiner asserted that claims 1-43 are generic for disclosed patentably distinct species of Formula I.

The Examiner asserted that due to the structural dissimilarities of the compounds encompassed by the claims, the search for all species presents an undue burden on the office. The Examiner therefore required that a single disclosed species be elected, together with a listing of claims readable thereon.

In response to the requirement to elect a single disclosed species, Applicants elected 5-(2'-thioxospiro[cyclohexane-1,3'-[3H]indol]-5'-yl)-1-methyl-pyrrole-2-carbonitrile. As noted above, claims 1-7, 9, and 12-14 read on the outstanding species election.

AHPWA24AUSA

Applicants request that, subsequent to searching the elected species and thereby finding the elected subject matter and claims containing the same allowable in view thereof, the Examiner extend the search to include the remaining non-elected species and withdraw the outstanding species election requirement.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

HOWSON AND HOWSON

By Cathy A. Kodroff
Cathy A. Kodroff
Registration No. 33,980
Suite 210
501 Office Center Drive
Fort Washington, PA 19034
Telephone: (215) 540-9200
Telefacsimile: (215) 540-5818